

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TOMAS SILVA,  
Plaintiff,

v.

PLEASANT VALLEY STATE PRISON, et  
al.,  
Defendants.

Case No. [14-cv-04843-JSC](#)

**ORDER OF TRANSFER**

Re: Dkt. No. 2

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.<sup>1</sup> Plaintiff is located at Pleasant Valley State Prison (“PVSP”) in Coalinga, California, and he complains about events that took place there.

When, as here, jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

Plaintiff’s allegations arise out of events occurring at PVSP, and the allegedly responsible officials are located there. PVSP lies within the venue of the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84.

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<sup>1</sup> Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 4.)

1 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is  
2 TRANSFERRED to the United States District Court for the Eastern District of California.

3 The Clerk of the Court shall transfer this matter forthwith. In light of this transfer, the  
4 Court defers to the Eastern District for ruling on the application to proceed in forma pauperis. The  
5 Clerk shall terminate docket number 2 from this Court's docket.

6 **IT IS SO ORDERED.**

7 Dated: December 16, 2014

8   
9 JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

United States District Court  
Northern District of California